

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JAMIE LEONARD,)	
Plaintiff,)	
)	
vs.)	No: 4:19-cv-00927
)	
ST. CHARLES COUNTY)	
MISSOURI, et. al,)	
Defendants.)	

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT ON
PLAINTIFFS' FOURTH AMENDED COMPLAINT**

COMES NOW Defendants, Steven Harris, Donte Fisher, Lisa Baker, Theresa Martin, and St. Charles County (collectively “Defendants”), by and through undersigned counsel, and file their Motion for Summary Judgment on Plaintiffs’ Second Amended Complaint, pursuant to Federal Rule of Civil Procedure 56.

As grounds for this Motion, and as more fully set forth in the Memorandum in Support, Defendants move for Summary Judgment as follows:

1. This Court should grant Defendants summary judgment to as Count 1 of Plaintiffs’ Fourth Amended Complaint as Plaintiff fails to show his constitutional rights were violated by St. Charles County through a policy statement, ordinance, regulation, or decision officially adopted and promulgated by that body’s officers as required pursuant to the Supreme Court’s holding in *Monell v. New York Depart. of Social Services*, 436 U.S. (1978).

2. This Court should grant summary judgment as to Count 3 of Plaintiffs’ Fourth Amended Complaint as the force purposely or knowingly used against Plaintiff by Defendants was objectively unreasonable. Therefore, Plaintiff has failed to show a constitutional violation as required under 42 U.S.C. § 1983

3. This Court should grant summary judgment as to Counts 3 Plaintiff's Fourth Amended Complaint as Plaintiff's claims fail to show he suffered from one or more objectively serious medical needs, and that Defendants, actually knew of the medical needs but deliberately disregarded those needs. Therefore, Plaintiffs have failed to show a constitutional violation as required under 42 U.S.C. § 1983.

4. This Court should grant Defendants summary judgment as Plaintiff's claims are filed pursuant to 42 U.S.C. § 1983, and Plaintiff sued Defendants in their individual capacity. Therefore, Defendants are entitled to qualified immunity.

5. Finally, this Court should grant Defendants Summary Judgment as Plaintiff has failed to exhaust all of his administrative remedies as required pursuant to the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a), before initiating this litigation.

6. In support of this Motion for Summary Judgment, Defendants rely upon their Memorandum filed in support of this Motion, the Statement of Uncontroverted Material Facts, and upon all Exhibits submitted in support of this Motion, Statement of Uncontroverted Material Facts and Suggestions.

WHEREFORE, Defendants Steven Harris, Donte Fisher, Lisa Baker, Theresa Martin, and St. Charles County, move this Court to grant this Motion for Summary Judgment and dismiss Petitioner's Fourth Amended Complaint against them with prejudice and to award their attorneys' fees and costs.

Respectfully submitted,

**OFFICE OF THE ST. CHARLES
COUNTY COUNSELOR**

/s/Drew A. Heffner

Drew A. Heffner, E.D. #54873MO
Associate County Counselor
100 North Third Street
St. Charles, Missouri 63301
Telephone: 636/949-7540
Facsimile: 636/949-7541
Email: dheffner@sccmo.org

Attorney for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon:

Steven A. Donner
Thomas R. Applewhite
1108 Olive Street, Suite 200
St. Louis, MO 63101-1949
Telephone: 314/240-5350
Facsimile: 888/785-4461
Email: steve.donner@da-lawfirm.com
tom.applewhite@da-lawfirm.com

and

Gary K. Burger
500 North Broadway, Suite 1860
St. Louis, MO 63102
Telephone: 314/542-2222
Facsimile: 314/542-2229
Email: gary@burgerlaw.com

/s/Drew A. Heffner

Dated: April 30, 2021